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SIPDIS

STATE FOR WHA/AND AND DRL/PHD

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SUBJECT: SUPPORTING HUMAN RIGHTS AND DEMOCRACY REPORT
SUBMISSION

REF: STATE 267453

1. (U) We are submitting the following information in response to the request for the 2004 Supporting Human Rights and Democracy Report (reftel). On January 25, Post emailed the version with tracked changes to DRL/PHD.

2. (U) Although Ecuador enjoys a democratically elected government that generally respects human rights, its weak government institutions, widespread corruption and limited resources contributed to human rights abuses. There were credible reports that security forces committed killings using unwarranted lethal force; however, members of the security forces faced prosecution and prison sentences for some violations. Police tortured and otherwise mistreated prisoners and detainees. Prison conditions remained poor. Persons were subject to arbitrary arrest, and over 70 percent of the detainees in jail had not been sentenced formally. Pervasive discrimination against women, the indigenous and Afro-Ecuadorians continued to occur and included occasional violence. Child labor and trafficking in persons (TIP) remained problems.

3. (U) The U.S. human rights and democracy strategy aims to help strengthen the judicial system and the rule of law, promote human rights education, improve the media's effectiveness, combat child labor and trafficking in persons, and assist Colombian refugees. The U.S. government supports democracy, good governance and protection of the human rights of migrants. U.S. officials advocated respect for democratic institutions, stronger workers' rights protections, and development of legislation and a national plan to combat TIP.

4. (U) The judicial system of Ecuador is plagued by inefficiency and corruption that undermines the rule of law and hinders speedy and fair trials; the United States supports a number of projects to strengthen judicial effectiveness and fight corruption. Judicial reform programs funded through the State Department's International Narcotics and Law Enforcement Bureau and the U.S. Agency for International Development (USAID) provided approximately \$2 million to help train police, prosecutors and judges in criminal justice reform and the proper application of the legal system, including the oral accusatory system and oral litigation skills. Although the national government has made little progress in advancing its anti-corruption program, USAID implemented programs at the local level to improve transparency and accountability.

5. (U) With U.S. assistance, Ecuador's inter-institutional commission to advance criminal justice reform has developed a detailed action plan, made some progress on improving coordination among judicial institutions, and written a bill to reform the criminal code. USAID developed and distributed a multimedia training package to inform civil society about applying the criminal procedures system. To strengthen an inadequate public defense service, USAID provided funding of nearly \$70,000 to expand citizens' access to justice, especially that of poor people in rural regions of the country.

6. (U) A wide range of U.S. programs support Ecuador's democratic institutions, and throughout the year the Ambassador, other embassy officials and visiting high-level U.S. officials publicly advocated respect for those institutions and constitutional processes. The United States sponsored Ecuadorian participants in programs providing in-depth looks at the administration of justice, responsible policing, grass roots democracy, drug control policy, responsible media, indigenous community development, economic and agricultural development and improving educational systems. U.S. experts were brought to Ecuador to work with local leaders on judicial ethics and citizen participation in democratic processes and to participate in an international youth conference on leadership. The Embassy sponsored performances of "Dialogues of Liberty," which emphasized the importance of individual liberty and personal responsibility in a democracy through dramatic speeches by Ecuadorian historical figures. USAID expanded its program to strengthen local government effectiveness and transparency to three additional provinces. The program also increased citizen participation through citizen audit committees to oversee implementation of local assistance projects and development

of legal proposals to decentralize government. Additionally USAID began a project to train teachers on their constitutional rights and responsibilities and a separate program to lobby Ecuador's Congress for passage of a Freedom of Information Act (which occurred in May 2004 and was signed by the President in January 2005). The program will train citizens on their rights and institutions on application of the law.

17. (U) U.S. SOUTHCOM continued military-to-military contact focused on promotion of fundamental human rights and humanitarian outreach including medical assistance and peacekeeper exercises. The Embassy coordinated interagency human rights' vetting of military units proposed for U.S. training and/or support, and human rights training was integrated into all U.S.-supported military exercises and operational training conducted in the country.

18. (U) USAID implemented two programs to fight sexual and domestic violence against women and children. Of these, a domestic violence and gender program in Quito continues to work to improve the city's monitoring of domestic violence cases and processing of sex crime cases.

19. (U) The U.S. Labor Department supported government efforts to combat child labor and funded two major programs. Catholic Relief Services will administer a four-year, \$3 million project, targeted at child laborers and children at risk of entering the banana and flower industries, and aims to meet their education needs. An ongoing \$2 million project aims to combat the worst forms of child labor in Ecuador, through projects in the agriculture and construction sectors and targets the commercial sexual exploitation of minors. The United States advocated the strengthening of Ecuador's labor laws and practices, including reform of Ecuador's outdated labor code to ensure the right of association without fear of retribution, and requested action by the Government in specific labor rights cases.

10. (U) In addition to working against the worst forms of child labor, the United States repeatedly raised with Ecuadorian officials the need for coordinated action against the broader problem of trafficking in persons. The U.S. Department of State funded an \$800,000 program with the American Bar Association to review proposed TIP legislation and coordinate efforts to combat trafficking. USAID partnered with a U.S. based NGO, Geneva Global, to fund 12 projects that will be implemented in 2005. USAID also began work with local governments to fight TIP. Trafficking was targeted through assistance to government efforts to dismantle alien smuggling organizations, where cooperation between U.S. and Ecuadorian officials led to the dismantlement of 27 alien smuggling rings and the arrest of 128 alien smugglers. The United States also provided equipment for airports and border crossings to allow authorities to better monitor travelers.

11. (U) As of November 30, almost 8,000 Colombians had sought refugee status in Ecuador. To help this vulnerable population, the United States provided funding to the UN High Commission for Refugees, the International Organization for Migration, the American Red Cross and the Pan American Health Organization to support refugee centers and services for Colombians seeking refuge in Ecuador.

12. USG Projects of \$100,000 or more:

- Support Our Youth Child Labor Project, Dept. of Labor, \$3,000,000;
 - Judicial reform program, NAS and AID, \$2,000,000;
 - ILO-IPEC Time-Bound Child Labor Project, Dept. of Labor, \$2,000,000;
 - American Bar Association's TIP project in Ecuador, Dept. of State, \$800,000;
 - The Time is Now: Strategically Mobilizing Anti-Trafficking in Organizations in Ecuador, AID and Geneva Global, \$600,000;
 - Values Education - CORDES, AID, \$165,000;
 - Control of Commercial Sexual Exploitation of Minors in the city of Santo Domingo de los Colorados, AID, \$120,000.
- Kenney